

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE BANK OF AMERICA CORP. SECURITIES, DERIVATIVE, AND EMPLOYMENT RETIREMENT INCOME SECURITY ACT (ERISA) LITIGATION	Master File No. 09 MDL 2058 (PKC) NOTICE OF MOTION ECF CASE
THIS DOCUMENT RELATES TO:  CHARLES N. DORNFEST, individually and on behalf of all others similarly situated,  Plaintiff,  v.  BANK OF AMERICA CORPORATION, MERRILL LYNCH & CO, INC., KENNETH D. LEWIS, JOE L. PRICE, NEIL A.COTTY, JOHN A. THAIN, WILLIAM BARNET III, FRANK P. BRAMBLE, SR., JOHN T. COLLINS, GARY L. COUNTRYMAN, TOMMY R. FRANKS, CHARLES K. GIFFORD, MONICA C. LOZANO, WALTER E. MASSEY, THOMAS J. MAY, PATRICIA E. MITCHELL, THOMAS M RYAN, O. TEMPLE SLOAN, JR., MEREDITH R. SPANGLER, ROBERT L. TILLMAN, and JACKIE M. WARD,  Defendants.	Civil Action No. 10-cv-00275

**PLAINTIFF CHARLES DORNFEST'S NOTICE OF MOTION FOR  
CERTIFICATION FOR INTERLOCUTORY APPEAL**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of Plaintiff's Motion for Certification for Interlocutory Appeal, dated March 27, 2012, plaintiff Charles Dornfest will move this Court before the Honorable P. Kevin Castel, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for the entry of

an Order, pursuant to 28 U.S.C. § 1292(b), certifying for interlocutory appeal this Court's September 29, 2011 Order denying Charles Dornfest status as a lead plaintiff for a class of Bank of America options investors.

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Civil Rule 6.1(b), answering papers, if any, shall be served upon Bragar Wexler Eigel & Squire, P.C., 885 Third Ave., Suite 3040, New York, New York 10022, Attn: Jeffrey P. Squire within fourteen days, or such other time as the parties may agree.

Dated: March 27, 2012  
New York, NY

BRAGAR WEXLER EIGEL  
& SQUIRE, P.C.

By: /s/ Jeffrey H. Squire  
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